PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eugene A. Woltering *et al.*

Serial No. 09/866,296

Filing Date May 25, 2001

Group 1651

Examiner Afremova, Vera

For: Three-Dimensional *Ex Vivo* Angiogenesis System (File No. 98M06.1 Woltering)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION

Dear Sir:

This Request for Continued Examination is submitted in response to the Notice of Allowance dated July 7, 2004.

CERTIFICATE

I hereby certify that this Request for Continued Examination and the accompanying check for $790 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2004.

John H. Runnels

10/12/2004 HDEMESS1 00000040 09866296
01 FC:1801 790.00 OP

John H. Runnels
Registration No. 33,451
October 5, 2004

No further amendments are presented. Claims 1-10, 13, 38, and 39 remain pending in the application. All Claims have been allowed.

Enclosed is a check for $790 for this Request for Continued Examination. (37 C.F.R. § 1.117(e)). If this amount is incorrect, please refer to the Deposit Account Authorization previously filed for this application. If any extension of time is required, please consider this paper a petition for the total extension of time required.

Reexamination and reconsideration of the application are respectfully requested.

The Information Disclosure Citation

The reason for filing this Request is to submit the enclosed Information Disclosure Citation. The Information Disclosure Citation cites a single new reference, R. Knott *et al.*, "A model system for the study of human retinal angiogenesis: activation of monocytes and endothelial cells and the association with the expression of the monocarboxylate transporter type 1 (MCT-1)," *Diabetologia*, vol. 42, pp. 870-877.

The Knott *et al.* paper is being cited in the present application because it was also recently cited by the Office in the divisional application, S.N. 10/173,358. The Knott *et al.* paper is not admitted to be prior art. It is respectfully submitted that the claimed inventions are nevertheless patentable over the Knott *et al.* paper, even if one assumed for the sake of argument that the paper were available as prior art.

Knott *et al.* disclose an explant model system for the study of retinal angiogenesis, which is associated with non-cancerous conditions such as diabetic retinopathy and proliferative vitreo-retinopathy. Evidence was reported for the involvement of macrophages and glial fibrillary acidic protein activation in human retinal angiogenesis, and for the

expression of monocarboxylate transporter type 1, which was though to be likely to be important in the use of lactate in the hypoxic retina.

Nothing in Knott *et al.* teaches or suggests "a method for assaying the angiogenic tumor of a particular tumor in a mammal," as in independent Claim 1 of the present application. Nor is there any teaching or suggestion for any process involving "a tissue sample . . . taken from a particular tumor in a mammal," as required by independent Claim 1. Nor does anything in Knott *et al.* teach or suggest that, in the words of Claim 1, "the growth of any angiogenic vessels into the matrix is a measure of the angiogenic potential of the particular tumor from which the tissue sample was taken."

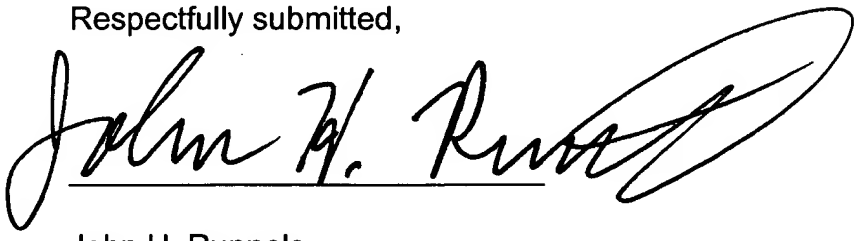
It is respectfully submitted that the claimed inventions are novel and nonobvious over Knott *et al.*

Conclusion

The Office is requested to acknowledge the proper submission of the single enclosed reference, Knott *et al.*

Allowance of Claims 1-10,13, 38, and 39 at an early date is respectfully requested.

Respectfully submitted,



John H. Runnels
Taylor, Porter, Brooks & Phillips, L.L.P.
P.O. Box 2471
Baton Rouge, LA 70821
Registration No. 33,451
Telephone (225) 381-0257
October 5, 2004